REMARKS

35 USC 101 Rejection of Claims 24-31 as Covering Non-Statutory Subject Matter

In response to the rejection under 35 U.S.C. 101 of the claims 24-31 as being directed to non-statutory subject matter, Applicant has amended the claims as suggested by Examiner to suit the "Guidelines". Accordingly, it is submitted that claims 31-34 now define patentable subject matter under 35 USC 101.

The rejection of claims 1-6, 8-14, and 24-30 35 U.S.C. 103(a) over the combination of Kahn (US5,581,678) in view of Havre (US6,466,211) further in view of Dehner Jr. et al. (US6,429,868) is respectfully traversed.

It is submitted that in combining the above three references, Examiner has once again made the combination of diverse elements from each of the three references not in the light of what is taught or suggested in the references but rather in the light of Applicant's own teaching. This is not a basis upon which obviousness can be established under 35 USC 103.

Applicant has noted that this is "once again" the case, because the present prosecution has already involved five non-final official actions, and a final rejection in response to which Applicant had to submit an appeal brief before the action was withdrawn by Examiner. We are now at a stage in the prosecution where the present is the second non-final rejection since the withdrawal of the final rejection. This status is noted because in each of the five prior (including the final rejection) 35 USC 103 rejections, Applicant has been able to essentially establish that the combinations of references were based upon selections of

portions of the references based upon Applicant's own teachings, and not upon suggestions from the references. Once again, this is the case with the present rejection under 35 USC 103(a)

The present invention relates to a user interactive displayed line graph in which the proportion of the total value of the same time dependent variable contributed by each of a set of elements is displayed as an area in an ordered set of areas under a line representing the total value of the time dependent variable. The user is enabled to interactively select one of these areas, and to perform one of the following operations:

- hiding the selected area,
- displaying the selected area
- reordering the position of the selected area within said ordered set responsive to said user selection.

Applicant will for the purpose of this argument accept Examiner's interpretation that the basic Kahn reference does show a stack of areas representing portions of the same time dependent variable under a line representative of the total value of the time dependent variable. However, that is all this basic reference teaches or suggests. It still fails to disclose the claimed elements: enabling the user to interactively select one of these areas, and to perform one of the following operations:

- hiding the selected area,
- displaying the selected area
- reordering the position of the selected area within said ordered set responsive to said user selection.

For a teaching of these deficiencies in the basic Kahn patent, Examiner looks to the Havre and Dehner references. At this point, the Havre appears to contribute little to the obviousness of the present invention. At most, Examiner's

arguments seem to point to Havre's capability to select or deselect areas in a stacked graph. However, the purpose of such selection or deselection is unclear in Havre. The Examiner candidly admits (Page 8, lines 6-7 of Office Action) that it is unclear from Havre this selection and deselection actually takes place during the display process.

Even with this vague combination of Kahn and Havre, there is still no teaching of: enabling the user to interactively select one of these areas, and to perform one of the following operations: hiding the selected area, displaying the selected area, or reordering the position of the selected area within said ordered set responsive to said user selection.

For this teaching, Examiner looks to the Dehner patent. Applicant submits that there is nothing in either Kahn or Havre which would lead one skilled in the art to look to the Dehner patent. The Dehner patent itself would lead one skilled in the art away from considering a combination with the orderly and standardized arrangement of the graphical data areas of Kahn or Havre. Dehner's approach proposes "to move the observer away from the mind set of 'viewing a graph' to one of 'flying through a data space' (col 4, lines 42-54). Dehner teaches away from the standardized comparison graphs of Kahn or Havre (col 4, lines 18-24). Dehner provides for dynamic visualization to display great amounts of visualized data sets which may or may not be related to each other. Dehner then provides the user with the tools to organize the dynamically and even randomly generated visualized display to the needs of the user by hiding, reordering, and displaying.

It is submitted that it would be clear to one skilled in the art that the hiding, reordering, and displaying tools provided by Dehner were in no way intended to be used to

modify the already organized and standardized graphs of Kahn and Havre which the teaching of Dehner intended to get away from. Rather, these tools were needed to enable the user to organize, for his own purposes, the great amounts of visualized data, in perhaps random relationships, which Dehner may dynamically generate.

Accordingly, Applicant submits that the combination of Kahn in view of Havre further in view of Dehner fails to render claims 1-6, 8-14, and 24-30 obvious under 35 U.S.C. 103(a).

The Rejection of claims 21, 22, and 31 over the combination of Kahn, in view of Havre, further in view of Dehner, still further in view of Yonts (6,590,577) under 35 U.S.C. 103(a) is respectfully traversed.

Claims 21, 22, and 31 are submitted to be patentable over the combination of Kahn in view of Havre, in view of Dehner for all of the reasons set forth hereinabove for the patentability of claims 1, 8 and 24 from which these claims respectfully depend. In addition, claims 21, 22, and 31 set forth that the selected operations may be performed by morphing through an animated sequence of stacked graphs. Even if Yonts may suggest some form of morphing, it is submitted that claims 21, 22, and 31 would still be patentable for the reasons set forth for the patentability of the independent claims.

In view of the foregoing, claims 1-14, 21, 22, and 24-31 are submitted to be in condition for allowance, and such allowance is respectfully requested.

Respectfully submitted,

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